REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-5, 9, 11, 14, 15, 18-22, 27, 30, 31, 35, 36, 39, 40, 47-52, and 56-66 have been rejected by the Examiner. Claims 12, 13, 28, 29, 37, and 38 have been found to be allowable but for their dependence on rejected base claims. Claims 1, 21, 31, 47, 51, 56, and 64 have been amended and claims 60-63 have been cancelled. Accordingly, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59, and 64-66 remain pending in the application.

Applicants thank the Examiner for withdrawing the §112 first paragraph rejection of the previously pending claims.

Amendments

Support for "facilitate the user in assigning one or more of the user programmable phrases to the shortest length codes" now recited in the independent claims, may be found on page 7, lines 9-10 of the originally-filed Specification, which states: "Entry of the user preferred words or phrases for the two shortest codes may be facilitated in like manners as other system preferences." While the term "assigning" is not explicitly recited, it is inherently disclosed in that passage. Entering of one thing for another clearly implies facilitating the assignment of the one thing to the other.

Claim Rejections under 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103," item 3 on page 2 of the above-identified final Office Action, claims 1-5, 9, 11, 14-15, 18-22, 27, 30, 31, 35, 36, 39, 40, 47-52, and 56-66 have been rejected as being unpatentable over U.S. Patent Application Publication No. 2002/0002643 A1 to *Yamamoto et al.* (hereinafter "Yamamoto") in view of U.S. Patent No. 6,295,441 to *Björkengren* (hereinafter "Björkengren") in further view of U.S. Patent No. 5,297,247 to *Kan* (hereinafter "Kan") under 35 U.S.C. § 103(a).

The rejections of claims 60-63 are obviated by the cancellations of those claims.

Claim 1, as amended, recites a wireless mobile phone comprising:

"a body casing having a plurality of surfaces;

an input keypad disposed on a first surface of said body casing to facilitate entry of alphanumeric data;

at least a first button disposed on a second surface of said body casing; and

complementary logic to

facilitate entry of alphanumeric data and user programmable phrases having one or more words, in encoded representations of a variable length encoding scheme using said at least first button, the variable length encoding scheme having a plurality of codes of various code lengths, with one or more of the plurality of codes having the shortest lengths representing the user programmable phrases, and

facilitate the user in assigning one or more of the user programmable phrases to the shortest length codes."

Thus, when properly viewed as a whole, amended claim 1 teaches a device having logic in support of a variable length custom encoding scheme, with the shortest code lengths of that scheme representing words or phrases which a user may assign to them. Thus, while other, longer codes may represent alphanumeric characters, the shortest codes represent collections of characters, acting as "short cuts" so that the user may express a frequently expressed word or phrase in with one code rather than several.

In contrast, Yamamoto, Björkengren, and Kan do not teach or suggest "facilitat[ing] the user in assigning the user programmable phrases to the shortest length codes" or that that shortest length codes represent *user programmable* phrases.

First, as the Examiner notes, Yamamoto and Björkengren fail to teach or suggest "user programmable phrases". To remedy this deficiency, the Examiner cites Kan. While Kan does admittedly teach "programmable phrases", nothing in Kan indicates that the programmable phrases (which are described as representing Chinese characters) are *user programmable*

phrases, as that term is used in the Specification of the instant application. On page 7, lines 9-10 of the Specification, Applicants teach that the user may enter and assign user programmable phrases to the shortest length codes. Nothing in Kan indicates that the programmable phrases taught therein are may be assigned by the user.

Even assuming for the sake of argument that the programmable phrases of Kan teach or suggest the "user programmable phrases" of claim 1, the combination of Yamamoto, Björkengren, and Kan simply does not teach or suggest a variable length encoding scheme in which the two shortest length codes represent user programmable phrases which are assigned to those shortest codes by the user. In the only sort of variable length encoding disclosed in any of the references, the Morse code of Yamamoto, the two shortest length codes represent the most frequently used characters, 'T' and 'E.' Not even one of the codes, much less the two shortest length codes, of the Morse code of Yamamoto is represents a user programmable phrase. Because the two shortest length codes of Morse code do not represent user programmable phrases, Morse code simply cannot teach or suggest a "variable length encoding scheme … having the shortest length [code]s representing the user programmable phrases", as is claimed by claim 1.

In "Response to Arguments" on page 8 of the above-identified final Office Action, the Examiner states that the Morse code of Yamamoto inherently teaches "the shortest length codes reserved for user programmable phrases" because the shortest length codes of Morse code may be used to form programmable phrases. In response, Applicants have amended claim 1 to recite that the shortest codes represent user programmable phrases, and that the logic facilitates the user in assigning the user programmable phrases to the shortest codes, thus avoiding the Examiner's above interpretation, which is based on the admittedly broad meaning of "reserved for".

Lastly, the "programmable phrases" of Kan cannot simply be added to the Morse code of Yamamoto to arrive at the variable length encoding scheme of amended claim 1. Morse code is in fact incompatible with the addition of user programmable phrases that are assignable to codes and, thus, one skilled in the art would not think to combine them. As mentioned, Morse code

reserves its two shortest length codes for the alphanumeric characters "T" and "E". Replacing T and E with user programmable phrases requires the create of additional codes for T and E, creating a custom encoding scheme that is neither taught nor suggested by any of the cited prior art references. While such a scheme is contemplated by the instant Application, reliance on the instant Application constitutes impermissible hindsight. Thus, absent some motivation to redefine Morse code disclosed or suggested either by the cited references or the art, the combination is improper.

Accordingly, amended claim 1 is patentable over Yamamoto, Björkengren, and Kan, alone or in combination, under 35 U.S.C. §103.

Amended claims 21, 31, 47, 56, and 64 recite limitations similar to those of claim 1. Accordingly, for at least the same reasons, claims 21, 31, 47, 56, and 64 are patentable over Yamamoto, Björkengren, and Kan, alone or in combination, under 35 U.S.C. §103.

Claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, and 65-66 depend from claims 1, 21, 31, 47, 56, and 64, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, and 65-66 are patentable over the cited art under 35 U.S.C. §103.

Allowable Subject Matter

Applicants thank the Examiner for finding claims 13, 14, 29, 29, 37, and 38 but for their dependence on rejected base claims. For the reasons given above, Applicants believe those base claims, as amended, are now allowable. Thus, Applicants respectfully submit that claims 13, 14, 29, 29, 37, and 38 are in condition for allowance by virtue of their dependence from now-allowable claims 1, 21, and 31.

Conclusion

Applicants submit that all pending claims, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59, and 64-66, are in condition for allowance. Accordingly, a Notice of Allowance is

respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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